

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12376-RGS

PAUL L. CECCHINI,	)	
	)	
Plaintiff	)	<u>SPECIAL APPEARANCE</u>
	)	<u>ANSWER OF THE DEFENDANTS,</u>
vs.	)	<u>JAMES HUTT AND HUTT TRUCKING, INC.,</u>
	)	<u>AND JURY CLAIM</u>
JAMES HUTT and,	)	
HUTT TRUCKING, INC.,	)	
	)	
Defendants	)	

The defendants, James Hutt and Hutt Trucking, Inc., without submitting to the jurisdiction of this Court appears specially, and not generally, for the purpose of challenging jurisdiction based on improper service of process, including but not limited to, based upon noncompliance with Federal Rules of Civil Procedure Rule 4(m).

Now are appearing specially, James Hutt and Hutt Trucking, Inc., in the above-entitled action and in answer to the plaintiff's complaint generally and says:

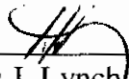
1. The defendants deny the allegations contained in paragraph one.
2. The defendants deny the allegations contained in paragraph two.

WHEREFORE, the defendants, James Hutt and Hutt Trucking, Inc., demand the plaintiff's complaint be dismissed with costs and with prejudice.

And further answering in the affirmative, the defendants, James Hutt and Hutt Trucking, Inc., say:

1. The plaintiff's complaint fails to state a cause of action for which relief may be granted.
2. If, in fact, the defendants owed the plaintiff anything, which the defendants deny, the same has been satisfied in full.
3. The plaintiff's action is not timely and is barred by those statutes dealing with the limitation of actions.
4. The plaintiff has failed to meet those statutory requirements prerequisite to maintain this action.
5. The service of process has not been properly effected on the defendants.

TO PRESERVE THE RIGHT TO A JURY DEMAND, AND NOT FOR THE PURPOSE OF JURISDICTION UNDER THE SPECIAL APPEARANCE, THE DEFENDANTS DEMAND A TRIAL BY JURY AS TO ALL TRIABLE ISSUES, SHOULD THE MATTER NOT BE DISMISSED BASED UPON IMPROPER SERVICE.

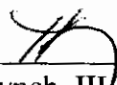


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Holly K. Lemieux,  
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AFFIDAVIT OF SERVICE

I, Francis J. Lynch, III/Holly K. Lemieux, do hereby certify that on this 7th day of June, 2005, I gave notice of the foregoing Special Appearance, Answer of the Defendants, James Hutt and Hutt Trucking, Inc., and Jury Claim, by mailing a copy thereof, postage prepaid to: Paul L. Cecchini, 6 Steven Drive, Woburn, MA 01801.

  
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Francis J. Lynch, III/Holly K. Lemieux

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